Karen E. Watkins

Government to Government

King County's Program for Tribal Involvement in Water Quality Decisions

It's not just archeology, it is the interaction and interplay of human beings with their surroundings and successful solutions to problems of living over a period of several thousand years.

David G. Rice
Lead Archaeologist
Army Corps of Engineers

The waters and adjacent lands of Puget Sound and the Duwamish River near Seattle, Washington, are ancient travel routes and have provided resources to the people of the Northwest for thousands of years. Protecting these resources is an important goal of both King County and local Indian tribes. Because many wastewater projects involve federal funding and have the potential to impact significant cultural resources, King County developed a program to coordinate with local tribes in meeting responsibilities under Section 106 of the National Historic Preservation Act. As a result, a beneficial relationship has developed between the King County government and local tribal governments, serving to illustrate that government agencies can communicate and work effectively with tribes in the Section 106 process.

In 1989, the State of Washington signed the Centennial Accord with Federally Recognized Indian Tribes in Washington State to better achieve mutual goals through an improved relationship between their sovereign governments. The same year, King County Wastewater Treatment Division established a Tribal Initiatives Program, in part to secure critical water quality capital project permits and to manage intercultural and intergovernmental relations throughout the life of large construction projects. The program provides formal structure for joint water quality stewardship involving tribal policy makers and their technical staff in the early planning, review, and design of wastewater projects. The result has been preservation of both cultural and natural resources while meeting the wastewater conveyance and treatment demands of a growing regional urbanized population.

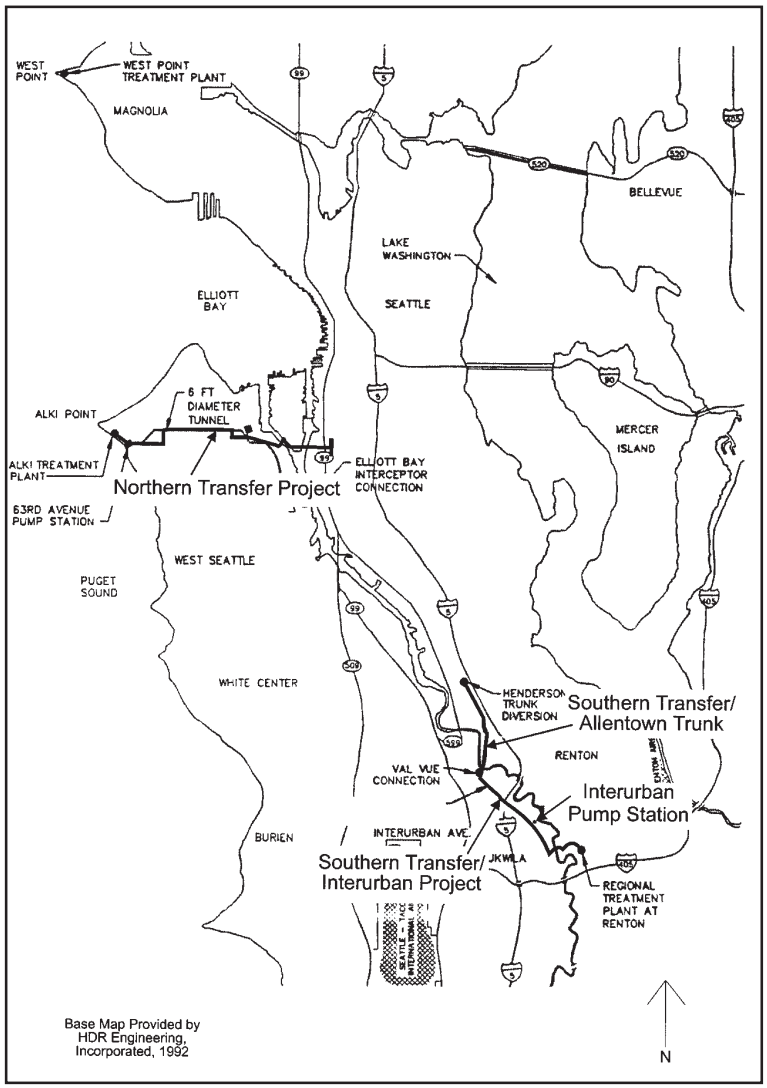
Over the past 10 years, the Tribal Initiatives Program has increased the trust between the Muckleshoot and Suquamish tribes and King County by formalizing intergovernmental protocols for working together and developing a close working relationship coordinating water quality efforts. The Tribal Initiatives Program provides a link between the project team and the tribes. With tribal cooperation, cultural resource issues are considered in the context of tribal cultural beliefs and traditions and not solely as a construction project element. Tribal staff provide technical perspectives on project design while also offering a broader cultural perspective on the mutual goal of improving water quality in Puget Sound and the Duwamish River. In turn, the project teams are able to respect the cultural perspective during project design and construction.

This mutually beneficial arrangement is exemplified by tribal involvement in the Alki Transfer/Combined Sewer Overflow Facilities Project, a $124 million, 10-year wastewater facilities project still under construction by King County. Facilities include a tunnel, pipelines, pump and regulator stations, and primary treatment plant modifications. The project area is on the interface between Indian and non-Indian contact in the Duwamish River Valley. This was the farthest up river from Puget Sound that white settlers homesteaded; all other land up river from this point was Indian Territory. To date, over $322,000, or one-fourth of one percent of the project budget, have been spent on archeology.

Before the Alki Project, tribes were not directly included in project planning and design; however, by incorporating these channels to include tribal issues throughout the life of a project, a successful relationship between King County and local tribes has emerged. The following sections briefly describe some creative communication channels that have been successfully used by King County and local tribes.

Programmatic Agreement

Compliance with Section 106 for the Alki Project was required by the involvement of two



Area map showing location of the Alki Transfer/CSO Facilities Project segments.

federal agencies. The Environmental Protection Agency (EPA) provided a construction grant under Title II of the Clean Water Act, and the US Army Corps of Engineers issued permits under Sections 10 and 404 of the same Act. Because of the size and complexity of the project and the high potential for discovering deeply buried archeological resources during construction along the Duwamish River and in other areas, King County (consulting on behalf of EPA) and the Washington State Historic Preservation Officer (SHPO) agreed that a modified approach to Section 106 was necessary.

The agreed upon approach called for developing a construction monitoring plan to ensure that archeological resources were not inadvertently destroyed during construction; the advanced development of an archeological treatment plan including important research questions to be addressed in data recovery efforts; and a quick turnaround in development and review of site specific data recovery plans in the event archeological properties were discovered during construction. The process was detailed in a programmatic agreement, which was signed by the EPA, the Washington SHPO, and the Advisory Council on Historic Preservation. The Muckleshoot and Suquamish tribes and the Army Corps of Engineers were included in review of the agreement but were not signatories.

The programmatic agreement also detailed the timeline for reviews and the roles and responsibilities of each party if cultural resources were discovered during construction. The agreement proved successful on three archeological discoveries made during construction. Because the required archeological treatment and monitoring plans were in place before construction began, the archeologists were able to submit a site specific treatment plan to the SHPO and King County within two hours of discovering cultural deposits; the county approved the data recovery plan within four hours; and archeologists were in the field in less than 24 hours after the initial discovery. In contrast, a similar county project, the West Point Treatment Plant Upgrade, was constructed without a programmatic agreement in place. When archeological materials were discovered, it took almost four weeks for the required review to be completed and for data recovery to begin.

Based on the success of the programmatic agreement for the Alki Transfer/CSO Control Project, it is now recommended that all King County wastewater construction projects with the potential for discovery of cultural resources have a programmatic agreement or discovery plan in place before beginning construction. Experience has shown that the quick response time of federal and state agencies, county staff, and archeological consultants saved significant costs by minimizing downtime during construction.

Site Visits, Presentations, Workshops

Early in the Alki Project effort, traditional cultural properties were assessed through site visits, windshield surveys, interviews with tribal elders, and meetings. During this process, it was confirmed that the Duwamish River valley was central to the mythology of the entire Puget Sound region and was included in the mythological stories of many tribes. Although several places of traditional cultural importance are located in this area, no traditional cultural properties were identified in the affected area.

The tribes, however, were interested in project impacts to two archeological properties that could not be avoided by pipeline construction: a

Duwamish winter village and a salmon fishing camp, both exhibiting some 400 years of occupation and use.* In order to keep the interested members of the tribes apprised of the identification and excavation of archeological resources discovered during construction, the county and its consultant planned site visits with representatives of the participating tribes during data recovery efforts. Presentations and workshops were also scheduled, when appropriate.

Construction Monitoring

Larson Anthropological/Archaeological Services, the archeological consultant for the project, developed a construction monitoring plan using geo-technical data for the pipeline areas, historic information, and regional subsistence-settlement pattern data to identify areas with high probability for buried archeological remains. The plan designated such high probability areas for monitoring by professional archeologists during pipeline construction. The plan was designed to accommodate construction techniques, schedule, and logistics to the extent possible without compromising important cultural resources.

In order to reduce the number of work delays while the archeologist inspected the trench walls in areas where native soil could be encountered, King County decided to train the on-site archeologist as a pipe inspector. Therefore, during pipe inspection, the archeologist could also inspect the vertical stratigraphy for cultural materials. The benefit of this decision was to reduce work delays for archeological inspection and to allow the archeologist additional time to inspect the trench walls.

Videos

A final creative channel to communicate with the tribes and agencies was the production of a series of short videos for the Alki Project filmed by King County during the course of cultural resource assessments, discoveries, and data recovery. The videos include the background of the project and interviews with team members, consultants, and tribes; and take the viewer through the Section 106 compliance process from start to finish, informing them of the nature and importance of the discovered archeological resources, as well as the legal basis for the work being completed. The videos were so successful in informing various audiences that they continue to be used to educate construction contractors, project engineers, County staff, and other agencies' staff on cultural resource protection. The video for the Allentown portion of the Alki Project is a great example of how the programmatic agreement and advanced planning in the planning and design phases of a project are supposed to work. By taking two years to prepare the programmatic agreement and treatment and monitoring plans, the archeological consultant only needed to mobilize when cultural material was discovered.

Conclusion

It has not been easy to get county staff, especially project managers and engineers, to understand the need for cultural resource protection. However, King County is making headway. A few years ago, one project manager asked why the county could not just construct the project and ignore cultural resources. I explained that by receiving federal funds for the project we were required to comply with the National Historic Preservation Act. About a year later, this same project manager was on site during data recovery assisting the archeological consultant in digging excavation blocks, just so he would be the first to know what was discovered. This is progress.

The following quotes from county, federal, and tribal team members referring to cultural resources protection on county projects show the progress and enlightenment that has occurred over the past decade.

> One of the things we learned is that you need to support (cultural resources). There (are) no options, you have to do it and to not accept the responsibility would have been more damaging all the way across the board. We just accepted the responsibility of doing it and then (got) everyone together to do it. *County Construction Manager*

> It is our part in preserving the irreplaceable cultural resource base that the laws are intended to protect. It's the right thing to do and I believe that (King County) will continue to do it. *County Environmental Planning Supervisor*

Muckleshoot Tribal elders (Walter Pacheco, Donna Brownfield, and Lorraine Cross) looking east at the Black River from the White Lake Site, a site eligible for listing on the National Register of Historic Places. Photo courtesy Larson Anthropological Archaeological Services Limited.

It's a tough situation because number one, the activity that is going on here is sewage treatment and that is important to the tribes. Because we meet with (King County) prior to their project(s) and understand the importance of sending clean effluent into the sound for our shellfish and salmon resources, we have to weigh that against the importance of the cultural sites as well. *Tribal Member and Archeologist*

King County views the Tribal Initiatives Program as a successful relationship with local tribal governments to cooperate on water quality projects and cultural resource protection not only now, but also in the future.

Note

* Dennis E. Lewarch, Lynn L. Larson, Leonard A. Forsman, Guy F. Moura, Eric W. Bangs, and Paula Mohr Johnson. 1996 Kings County Department of Natural resources, Water Pollution Control Division, Alki Transfer/CSO Project: Allentown Site (45KI431) and White Lake Site (45KI438 and 45KI438A) Data Recovery. Larson Anthropological/Archaeological Services. LAAS Technical Report #95-8.

Karen E. Watkins is currently a Water Quality Project Manager, but served as environmental planner on major construction projects for six years for King County Department of Natural Resources, Wastewater Treatment Division, Seattle, Washington.

Denise McLemore and Robert J. Jackson

Buying the FARM

A Forest Service Model for Legal Compliance

The Pacific Southwest Region of the United States Forest Service (Region 5) recently celebrated its 25th anniversary of Heritage Resources Management (HRM). During this period, the nature and structure of Forest Service management have slowly evolved in response to political, legal, regulatory, and scholarly influences. This evolution has, in the last five years, culminated in dramatic and fundamental program changes on Region 5 forests of the North Central Sierra Nevada. These program changes are described in the *Framework for Archaeological Research and Management-FARM.** The FARM approach accomplishes a number of objectives: it streamlines compliance; it enables heritage resources to be more easily integrated with other laws and regulations; it provides context for decisionmaking and management; it establishes a process that considers the broad range of public interests and cultural values; the FARM provides specific management tools; it emphasizes standard data collection and treatment approaches; and it provides management tools and structure for implementing ecosystem management and research.

* Robert J. Jackson with Thomas L. Jackson, Charles Miksicek, Kristina Roper, and Dwight Simons, *Framework for Archaeological Research and Management for the National Forests of the North-Central Sierra Nevada* (BioSystems Analysis, Inc., 1994).

The Eldorado National Forest "bought the FARM" after more than 10 years of data collection during the course of project-related cultural resources management activities consisting primarily of surface inventories. The handful of excavations that had occurred at selected sites were limited to a few cubic meters of excavation, at most, and those data were seldom applied to regional or higher order analyses. It became clear that if the Eldorado National Forest was to begin a serious program of evaluation, a research design was critically needed. We sought a "regional" research design sufficient to allow studies of broad cultural patterns, while focused enough to distinguish local variations in such patterns. It was soon apparent that a research design limited only to the Eldorado would not provide a sufficiently broad regional context. A management component was also recognized as an important component of forest planning, since any research design would be implemented within a management context.

Eldorado Forest archeologists hosted a meeting with forest archeologists from neighboring forests to determine the boundaries for a "regional" research design and settled on the North-Central Sierra Nevada, which includes four national forests: Eldorado, Stanislaus, Tahoe, and Lake Tahoe Management Unit. These selections recognized shared overlapping ethnographic cultural boundaries, similar ecological units, similar